



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

07 SEP 2005

Paul Hedren
Superintendent
Niobrara National Scenic River
P.O. Box 591
O'Neill, Nebraska 68763

Dear Mr. Hedren:

RE: Review of Draft Environmental Impact Statement for the Niobrara National Scenic River, Brown, Cherry, Keya Paha and Rock Counties, Nebraska

The Environmental Protection Agency (EPA) has reviewed the Draft General Management Plan/Environmental Impact Statement (DEIS) for the Niobrara National Scenic River. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA). The DEIS was assigned the Council on Environmental Quality (CEQ) number 20050311.

Based on our overall review and the level of our comments, the EPA has rated the Draft Environmental Impact Statement for this project LO (Lack of Objections). A copy of EPA's rating descriptions is provided as an enclosure to this letter.

The following comments are offered to address and minimize potential environmental impacts of the project:

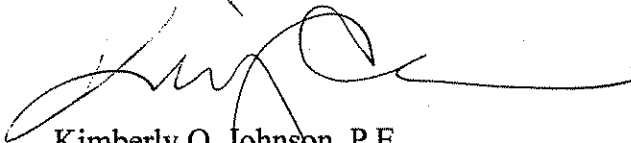
EPA recommends using the outstanding remarkable values as criteria for selection of the preferred management alternative. Each alternative should be evaluated on how it supports, maintains or improves the unique, rare or exemplary features of the Niobrara River.

We recommend describing how the National Park Service will maintain the funding necessary to administer the preferred management alternative since a substantial amount of funding for this alternative is from uncontrolled sources including state and private cooperators.

We also recommend a review of the "Land Protection" statement on page 64, where the NPS states that "the conversion of ranch and farmland for non-agricultural purposes would be discouraged". This statement seems to foreclose opportunities for conversions from agricultural production to a conservation land use. Conservation land use classification may offer another management option that could assist in the protection of the unique features of the Niobrara River.

Thank you for the opportunity to provide comments regarding this project and your DEIS. If you have any questions or concerns, please contact me at (913) 551-7975.

Sincerely,



Kimberly O. Johnson, P.E.
NEPA Reviewer

Enclosure

cc: Steve Anschutz, U.S. Fish and Wildlife Service, Grand Island, NE

Draft Environmental Impact Statement Rating Definitions

Environmental Impact of the Action

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.